

**CUSTOMER NO.: 24498**  
**Serial No. 09/825,690**  
Reply to Office Action dated: 1/14/05  
Response dated: 02/15/05

**PATENT**  
**PF000030**

### **REMARKS**

In the Final Office Action, the Examiner noted that claims 1-19 are pending in the application. The Examiner further noted that claims 11 and 14 are withdrawn from consideration, that claims 10 and 12-13 are rejected, and that claims 1-9 and 15-19 are allowed. By this response, claims 12 and 13 are amended to correct for informalities pointed out by the Examiner and not in response to prior art. All other claims are amended by this response.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. § 112. Thus the Applicant believes that all of these claims are now in allowable form and requests that the Final Office Action be withdrawn.

### **Objections**

#### **A. Drawings**

The Examiner objected to the Applicant's Figure 1 because Figure 1 fails to include the legend "Prior Art".

In response, the Applicant has amended Figure 1 to include the legend "Prior Art" as required by the Examiner.

Having made this change, the Applicant respectfully submits that the basis for the Examiner's objection to the Applicant's Figure 1 has been removed. As such, the Applicant respectfully requests that the Examiner's objection to the drawings be withdrawn.

### **Rejections**

#### **A. 35 U.S.C. § 112**

The Examiner rejected claims 12-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner points out that claims 12-13 (both at line 1) recite the limitation "the" in

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"the optical means" and that there is insufficient antecedent basis for this limitation in the claims.

In response the Applicant has amended claims 12 and 13 as presented above, to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Having made these amendments, the Applicant respectfully submits that the basis for the Examiner's rejection of the Applicant's claims 12 and 13 has been removed. As such, the Applicant respectfully requests that the Examiners rejection of the Applicant's claims 12 and 13 be withdrawn.

**B. 35 U.S.C. § 103**

The Examiner rejected claims 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Zwahlen et al. (U.S. Patent 5,854,654, hereinafter "Zwahlen") in view of Walpole (U.S. Patent 4,040,004). The rejection is respectfully traversed.

The Examiner alleges that regarding claim 10, Zwahlen discloses a system and method for high frequency transmission of television shots comprising the same video camera comprising a transmitter for sending images by radio frequency and identification means which transmits a locating signal for locating the camera; and locating signal identifies a camera from amongst several cameras (Figs. 1 and 4 and col. 4, ln. 13-22 and 56-62). The Examiner correctly concedes, however, that Zwahlen does not particularly disclose that an identification means is an optical locating signal which has a predetermined frequency for identifying the emitting source.

As such, the Examiner cites Walpole for teaching a particular pulse frequency for this green light of approximately one pulse every 3 seconds has been found to clearly identify this system from other lights around the airport. As such, the Examiner alleges that it would have been obvious to one skilled in the art at the time the invention was made to modify the system of Zwahlen by using the visible light identification means in place of a more complicated and expensive identification means of Zwahlen. The Applicant respectfully disagrees.

The Applicant agrees with the Examiner that the teachings of Zwahlen alone, fail to teach, suggest or make obvious the invention of the Applicant, at least

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with respect to the Applicant's independent claim 10. The Applicant further submits that there is absolutely no motivation or suggestion in either the Zwahlen reference or the Walpole reference for the combination of the references to attempt to teach the invention of the Applicant.

More specifically, for prior art references to be combined to render obvious a subsequent invention under 35 U.S.C. § 103, there must be something in the prior art as a whole which suggests the desirability, and thus the obviousness, of making the combination. Uniroyal v. Rudkin-Wiley, 5 U.S.P.SQ.2d 1434, 1438 (Fed. Cir. 1988). The teachings of the references can be combined only if there is some suggestion or incentive in the prior art to do so. In re Fine, 5 U.S.P.SQ.2d 1596, 1599 (Fed. Cir. 1988). ***Hindsight is strictly forbidden. It is impermissible to use the claims as a framework to pick and choose among individual references to recreate the claimed invention*** Id. at 1600; W.L. Gore Associates, Inc., v. Garlock, Inc., 220 U.S.P.Q. 303, 312 (Fed. Cir. 1983). (emphasis added)

Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

The Applicant would like to respectfully point out to the Examiner that the teachings of the Zwahlen reference for a system and method for high frequency transmission of television shots contains absolutely no suggestion or motivation for the combination of the teachings of the Walpole reference for a color coded vehicle guidance system. That is, the two references are directed to entirely different fields of art and contain absolutely different methods and apparatuses for solving entirely different problems. There is no suggestion or motivation in a method and system for high frequency transmission of television shots comprising a camera, a receiver and a transmitter able to transmit a video signal to a central production unit, and two video channels respectively allowing transmission on a first and a second predetermined carrier frequency for the combination with a color coded vehicle guidance system including means for projecting a beam of light to guide a

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vehicle such as an aircraft on a glide slope, and means for pulse coding the upper the lower portions of the beam providing to the aircraft pilot an indication of the aircraft's position in relation to the glide slope, the upper and lower pulse coded portions of the beam are differentiated by color in an attempt to make obvious a video camera comprising a transmitter for sending images by radio frequency and identification means which transmits an optical locating signal for locating the camera, wherein the optical signal has a predetermined frequency identifying the camera from a plurality of cameras as taught in the Applicant's Specification and claimed by at least the Applicant's claim 10.

The Applicant further submits that even if there was a motivation or suggestion to combine the references (which the Applicant maintains that there is not), the teachings of Zwahlen and Walpole, in any allowable combination, fail to teach, suggest or make obvious the Applicant's invention, at least with regard to "a video camera comprising a transmitter for sending images by radio frequency and identification means which transmits an optical locating signal for locating the camera, wherein the optical signal has a predetermined frequency identifying the camera from a plurality of cameras" as taught in the Applicant's Specification and claimed by at least the Applicant's claim 10. That is, the teachings of Walpole do not bridge the substantial gap between the invention of Zwahlen and the invention of the Applicant.

More specifically, Zwahlen teaches a system for high frequency transmission of television shots. In Zwahlen, each camera transmits its shots via its transmitter by means of radio waves, to a central production unit also called the production station or studio, which may for example be a mobile production unit or any other fixed or mobile installation, which is capable of communicating via an antenna with a terrestrial broadcasting network directly or via a satellite and/or of recording (See Zwahlen, col. 4, lines 13-19). In addition and as pointed out by the Examiner, Zwahlen further teaches that the video signal transmitted by the transmitter of each camera may further include a camera identification signal that may be added to the video signal in a known manner, for example in the manner used for adding teletext codes to a television signal (See Zwahlen, col. 4, lines 56-60).

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The identification signal taught in Zwahlen is in direct contrast with the identification signal taught and claimed by the Applicant's claim 10. More specifically, the Applicant teaches in the Specification and claims in at least claim 10, an "identification means which transmits an optical locating signal for locating the camera, wherein the optical signal has a predetermined frequency identifying the camera from a plurality of cameras." In the invention of the Applicant as claimed by at least claim 10, the identification means is a separate means that transmits an optical identification signal that is separate from the images transmitted by a transmitter of the video camera using radio frequencies.

Keeping the teachings of Zwahlen in mind, any attempt to combine the teachings of Zwahlen and Walpole would inhibit the functionality of the invention of Zwahlen. More specifically and as pointed out by the Examiner, Walpole teaches the pulsing of an optical identification signal to identify this system from other lights around the airport. As such, a combination of the teachings of Walpole with the teachings of Zwahlen would result in a camera which transmits its shots via its transmitter by means of radio waves, the radio waves including the optical signal taught in Walpole, wherein the combined radio waves and optical signal are pulsed to identify the transmitting camera. Such pulsing of the radio waves would hinder the performance of the invention of Zwahlen as taught. In addition, pulsing the transmitted, combined radio waves and optical signal do not teach, suggest or make obvious the invention of at least the Applicant's claim 10, which claims a "Video camera comprising a transmitter for sending images by radio frequency and identification means which transmits an optical locating signal for locating the camera, wherein the optical signal has a predetermined frequency identifying the camera from a plurality of cameras" where the identification means and identification signal are separate from the transmitting means and the images transmitted by radio frequency.

As such and for at least the reasons described above, the Applicant respectfully submits that the teachings of Zwahlen and Walpole, alone or in any allowable combination, fail to teach, suggest or make obvious, the invention of the Applicant at least with respect to independent claim 10.

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Therefore, the Applicant submits that independent claim 10, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Furthermore, dependent claim 12 depends directly from independent claim 10 and recites additional limitations therefor. As such, and for at least the reasons set forth herein, the Applicant submits that the teachings of Zwahlen and Walpole, alone or in any allowable combination, also fail to teach, suggest or make obvious, the invention of the Applicant at least with respect to dependent claim 12. Therefore, the Applicant submits that dependent claim 12, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

**C. 35 U.S.C. §103**

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Zwahlen in view of Walpole and further in view of Palmer (U.S. Patent No. 5,804,829). The rejection is respectfully traversed.

Claim 13 depends directly from the Applicant's independent claim 10 and recites further limitation thereof. The Examiner applied Zwahlen and Walpole to claim 13 as applied above for the rejection of the Applicant's independent claim 10. As described above and for at least the reasons described above, the Applicant respectfully submits that the teachings of Zwahlen and Walpole, alone or in any allowable combination, fail to teach, suggest or make obvious at least the Applicant's claim 10. As such, the Applicant further submits that the teachings of Zwahlen and Walpole, alone or in any allowable combination, also fail to teach, suggest or make obvious at least the Applicant's claim 13, which depends directly from the Applicant's claim 10 and recites further limitations thereof.

In addition, the Applicant's respectfully submit that the teachings of Palmer, alone, also fail to teach, suggest or make obvious at least the Applicant's claim 10. That is, Palmer teaches a programmable infrared signal beacon. In Palmer, a signal beacon includes a lightweight housing containing a light source, such as a bank of infrared LEDs and is adapted to be worn on the body so as to provide a

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discernable signal to a remote observer during low light conditions. However, there is absolutely no teaching, suggestion or disclosure in Palmer for a "Video camera comprising a transmitter for sending images by radio frequency and identification means which transmits an optical locating signal for locating the camera, wherein the optical signal has a predetermined frequency identifying the camera from a plurality of cameras" as taught in the Applicant's Specification and claimed by at least the Applicant's claim 10.

In addition and as described above, the Applicant respectfully submits that there is absolutely no suggestion or motivation for the combination of the Zwahlen, Walpole and Palmer references. The Applicant further submits that even if any motivation did exist, any allowable combination of the references falls far short of the Applicant's invention of at least claim 10 for at least the reasons described above.

As such and for at least the reasons described above, the Applicant respectfully submits that the teachings of Zwahlen, Walpole and Palmer, alone or in any allowable combination, fail to teach, suggest or make obvious, the invention of the Applicant at least with respect to dependent claim 13, which depends directly from independent claim 10.

Therefore, the Applicant submits that dependent claim 13, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

### Conclusion

The Applicant would like to thank the Examiner for the indication of allowable subject matter. The Applicant agrees with the Examiner that claims 1-9 and 15-19 are allowable over the cited prior art. However, the Applicant further submits that claims 10 and 12-13 are also allowable over the cited prior art for at least the reasons submitted herein.

Thus the Applicant submits that none of the claims, presently in the application, are obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. § 112. Consequently, the Applicant believes that all these claims are

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presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

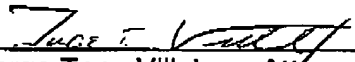
If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

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